

BOY SCOUTS OF AMERICA

DATE OCTOBER 1985

FULL NAME MITCHELL P. BURGESS SOCIAL SECURITY NUMBER                       
(No initials if you can possibly get full name)

<b>ADDRESS</b>	[REDACTED]
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CITY AIKEN STATE SOUTH CAROLINA ZIP CODE 29801

DATE OF BIRTH 2/20 (This is important and should be exact)

APPROXIMATE AGE 65 (To be used ONLY when date of birth is not known)

ALL SAINTS ANGLICAN CHURCH  
RELIGION EPISCOPALIAN . NATIONALITY

OCCUPATION RETIRED - DU PONT, INC. (S.R.P.) CHEMICAL ENG.

### EDUCATION

WEIGHT EST-130-140 LBS      HEIGHT 5'3' APPROX.      RACE CAUS

COLOR OF HAIR GRAY COLOR OF EYES

OUTSTANDING CHARACTERISTICS OR INTERESTS VERY BAD LIMP-ONE LEG SHORTER THAN OTHER

MARRIED OR SINGLE	MARRIED	(SONS) CHILDREN	[REDACTED]
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(Number, ages, and names, if possible)

NAME OF SPOUSE [REDACTED]

SCOUTING CONNECTIONS:

UNIT #	CITY	STATE	POSITION	DATE REGISTERED	DATE RESIGNED
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SPECIAL RECOGNITION SILVER BEAVER - SCOUTER AWARD - SCOUTER KEY

SUSPENDED OR DENIED REGISTRATION FOR FOLLOWING REASONS:

SPECIFY THE FACTS WHICH LEAD YOU TO RECOMMEND DENIAL OF REGISTRATION AND LIST ATTACHED  
SUPPORTING DOCUMENTS (STATE ONLY KNOWN FACTS, NOT RUMOR, CONJECTURE OR SPECULATION):

T 124 AIKEN, S.C. MC MAR 55 - MAR 59, T 124 AIKEN, S.C. CC NOV 67-MAR 68  
T 404 AIKEN, S.C. SA JAN 79 - JAN 80, T 146 AIKEN, S.C. SM JAN 80-JAN 81  
8604 AIKEN, S.C. UNIT COMM. (80) MAR.81 - DEC 81  
T 146 AIKEN, S.C. MC JAN 81 - MAR 84 signed Charles E. Ernst  
E 146 AIKEN, S.C. MC MAR 84 - MAR 85 SCOUT EXECUTIVE

**F. STARON**

RS-509

4/14/83-nah

NOV 13 1985 •

JAN 28 '86

JOSEPH L. ANGLIM

~~Council~~

SCOUT EXECUTIVE

January 30, 1986

Mr. Chubby T. Earnest  
Scout Executive  
Georgia-Carolina Council, No. 93

PERSONAL AND CONFIDENTIAL

SUBJECT: Mitchell P. Bergess

Dear Chubby:

Thank you for the detailed information concerning the above Scouter. We have reviewed this case with our Attorney and have now placed this man on the Confidential File.

Sincerely,

Paul Ernst, Director  
Registration, Subscription &  
Statistical Service

spw

cc: Southeast Region

READY FOR FILE  
JAN 30 1985  
CARMEN FREEMAN

CONF024539

Speed Letter

TO MR PAUL ERNST, SUM 108  
BSA

From CHUBBY EARNEST

Subject MITCHELL P BURGESS

--No 9 & 10 FOLD

MESSAGE

THOUGHT YOU MIGHT ADD THIS TO THE FILE. THEY DON'T  
SEEM TO WANT TO LET IT DIE. SOME OF THE KEY PLAYERS  
IN ARRANGING THIS SENTENCE ARE SCOUTERS WHOSE  
DAUGHTERS WERE INVOLVED.

Date 12-26-85

Signed

*Chubby Earnest*

REPLY

F. STARON

DEC 30 1985

--No 3 FOLD

--No 10 FOLD

Date

Signed

Wilson Jones

GRAYLINE FORM 44-902 3-PART  
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RECIPIENT--RETAIN WHITE COPY, RETURN PINK COPY

1184

CONF024540

# OPINIONS

Page 4A Monday, December 23, 1985

## 'Creative' Sentencing: Perhaps It's An Answer

Circuit Judge Richard E. Fields has taken a bold and perhaps controversial step in the sentencing of Mitchell Burgess, 65, a prominent Aikenite who pleaded guilty to two counts of committing lewd acts upon a child under 14 years of age.

The judge accepted the recommendation of Mr. Burgess' neighbors that he be given the advantage of "creative sentencing." Instead of committing Mr. Burgess to prison, his six-year sentence was suspended upon payment of \$2,000 on each count and five years of intensive probation.

That probation includes the payment of \$10,000 into a fund to be used as needed for counseling of the victims; private counseling for Mr. Burgess with emphasis on the serious psychological problems that sexual abuse can cause to victims; and participation for at least two years in programs of assistance to the Coalition to Assist Abused Persons, the Aiken-Barnwell Mental Health Clinic and the Aiken County Department of Social Services; "reasonable home confinement" with the privilege of attending church and also meeting his probationary requirements. The sentence also forbids him to have unsupervised contact with female minor children.

The decision made by Judge Fields reflects his compassion and also his wisdom. It is not likely that a prison term would accomplish much other than to prevent the recurrence of the crime until he is released. The sentence appears to do this and also it provides help for the victims, something often overlooked in sentencing.

Mr. Burgess is fortunate in that he has good and influential friends who have intervened in his behalf to come up with a solution that seems fair to all. His good fortune is due in part to the fact that except for this unexplainable weakness, he has led a good and useful life in his community and in his church.

Many who must be sentenced for like crimes are not so fortunate; they are condemned to long prison sentences and are considered outcasts by society. Of course, no judge or probationary system can remove the stigma that Mr. Burgess will wear for the rest of his life. We hope that his victims will fare better, but it is important that the gravity of the crime not be forgotten.

At the same time, it is desirable, we feel, that society take a hard look at sexual deviation of this type and that the legal and medical professions — along with organized religion — find ways to deal with the problem, if possible before such crimes occur.

# Judge Accepts Sentence Suggestion

By FRAN CHAPMAN  
Staff Reporter

Judge Richard E. Fields employed "creative sentencing" yesterday and fashioned a sentence, he said, might become the model for sentencing in this kind of case.

It was the case of Mitchell Burgess, 65, who was indicted on two counts of committing a lewd act upon a child under 14 years old.

Burgess was well-known in his neighborhood for loving the children, and they often went to his house to eat cookies and watch television. Solicitor Robert J. Harte told the judge when Burgess' plea was presented Wednesday. Judge Fields requested more time to consider his decision.

The lewd acts came to an end when a young girl saw a film at school on sexual abuse and told her mother that that sort of thing had been going on with Burgess. From there, Harte said, it was discovered that several other girls had also been victimized. One victim from 10 or 11 years ago came forward, he said.

Dennis and Janice Taylor, spokesmen for people concerned about the matter, presented the judge with their recommendations concerning Burgess' sentencing.

The sentence, which contains all the recommendations made by the Taylors, says Burgess should be confined six years and pay \$5,000 for each count.

However, that sentence is suspended upon the payment of a \$2,000 fine for each count, and five years' intensive probation with the following conditions:

Burgess must place \$10,000 with the probation department to be kept in an account in his name, payable \$2,000 a year for five years. The money is to be used for any needed counseling by the young people named as victims in the cases. There will be no requirement for payment for counseling above that \$10,000.

He must undergo and continue with private counseling, which should include education on the serious psychological problems that sexual abuse can cause.

He must spend at least two years with the Coalition to Assist Abused Persons, the Aiken/Barnwell Mental Health Clinic, and the Aiken County Department of Social Services and is required to participate in "such a manner consistent with his abilities to render effective assistance to programs of the groups, whether by leadership, discussion groups, or panel." No public disclosures of personal involvement with child abuse matters is required, the judge said.

There will be a reasonable home confinement for at least five years. The confinement is modified to the extent to allow for church attendance, attendance for medical or other consultative sessions, probation meetings, engagements arranged by the above organizations, and time for appropriate exercise. This is sub-

ject to yearly reviews and may be changed.

He must have no unsupervised contact with female minor children under 14. Judge Fields thanked the Taylors for their help.

"You'll never know how much you've assisted me," he said. "I saw love, compassion, and yet a keen awareness of the magnitude of this problem. It's been in the closet for a long time."

"I trust that we have touched the mark of the high calling in that thing we call justice."

# Creative Sentencing Sought In Case

By FRANK CHAPMAN  
Staff Reporter

Residents of an Aiken community want to try something new to help a man who pleaded guilty last night to committing lewd acts upon children.

They call it "creative sentencing." Mitchell Burgess, 65, pleaded guilty in Aiken County General Sessions Court to two counts of committing lewd acts upon a child under 14 years of age. Ninth Circuit Court Judge Richard C. Fields decided to think about the matter until noon today.

Solicitor Robert W. Harte told Judge at people in Burgess's community considered him like a second parent to their children who would go to his house often eat cookies and watch television.

He was like a fixture in the community and he'd had neighborhood children visit him for 10-15 years or more.

Recently a young girl saw a sexual abuse film in school. She went home and told her mother about several instances of abuse at Burgess's house, Harte said. From there it spread, and other children were found who could say the same things. One reported an incident 10-11 years ago, according to Harte.

The people in the neighborhood didn't want Burgess indicted in criminal sexual conduct charges.

After careful consideration we would like to recommend that Mr. Burgess be allowed to plead guilty to lesser charges than criminal sexual conduct to make it possible for the court to hand down a more meaningful sentence than incarceration in prison. A document prepared by Dennis Taylor, a spokesman for the group, reads:

The sentence the people recommend for Burgess includes the following:

Counseling for both he and his wife. Education on the serious psychological harm sex abuse can cause.

A commitment of at least two years working with the Coalition to Assist Abused Persons, the Aiken/Earnwell Mental Health Center, and the Aiken County Department of Social Services. During this time he would speak against child abuse at least monthly to groups set up by the above agencies.

Home confinement for a period of at least five years or the length of time he would normally have been sentenced to prison, whichever is longer. This confinement would have the same restrictions on personal freedom as incarceration with the following exceptions: attendance at church; time required for speaking engagements; time for counseling or mental care; and time for appropriate exercise with his dogs. (Burgess, a victim of polio,

requires sufficient exercise.)

No physical contact with any female minor, including grandchildren.

Payment by him for counseling for victims where necessary. Some of the children may have an immediate need; others may need it at some future time.

We strongly urge this action because we feel both the innocent and the guilty will be benefited more than from incarceration alone. The document reads:

However, if the court cannot grant this, then we urge for a heavier sentence rather than a lighter one. Anything lighter would not provide the proper social deterrent value or be commensurate with the seriousness of the offense.

Defense attorney Mickey Johnson told the judge about Burgess's background, helping the people in the neighborhood and his involvement with the church, baseball, and the Boy Scouts. Burgess is a former recipient of the Outstanding Scoutmaster Award. Johnson said.

Judge Fields sat and considered the matter for a long moment.

"If you sat where I'm sitting for 25 or more years, you would never be ready to wrestle with the dimensions and the diversity of a situation such as this," he said.



A program for Scouts, Boy Scouts, and Explorers

Georgia Carolina Council No. 93  
BOY SCOUTS OF AMERICA



December 23, 1985

Mr. Paul Ernst, SUM 108  
Boy Scouts of America  
Irving, Texas 75038-3096

Dear Paul:

Enclosed news articles complete the story on  
Mitchell P. Burgess as we know it.

Happy Holidays

*Chubby T. Earnest*  
Chubby T. Earnest  
Scout Executive

*No registration  
on National Computer  
12-27-85  
cm*

F. STARON

DEC 26 1985



A UNITED WAY MEMBER AGENCY

CONF024544





A program for Scouts, Boy Scouts, and Explorers

Georgia Carolina Council No. 93  
BOY SCOUTS OF AMERICA

November 11, 1985

Mr. Paul Ernst, Director  
Registration Service, BSA

Irving, Texas 75038-3096

Dear Paul:

Here is what we have at this time on Mitchell P. Burgess. Our sources of information indicate there will be a trial. We will keep you posted on developments.

Sincerely yours,

Chubby T. Earnest  
Scout Executive

CTE:rr



A UNITED WAY MEMBER AGENCY

CONF024545



September 30, 1985

Mr. Chubby T. Earnest  
Scout Executive  
Georgia-Carolina Council, No. 93

PERSONAL AND CONFIDENTIAL

SUBJECT: Mitchell P. Bergess

Dear Chubby:

Thank you for the information you sent us on August 8 concerning Mitchell P. Bergess. This information is most helpful to us and will enable us to set up a file for future refusal of registration.

I am enclosing a Confidential Record Sheet which I would like to have completed so that we can identify Mr. Bergess should he try to register from some other location. We would also like to have the outcome of any legal action which takes place so that we may have a more solid reason for refusing registration.

Let us know if we may be of any help.

Sincerely,

Paul Ernst, Director  
Registration, Subscription &  
Statistical Service

clf

cc: Southeast Region

Enclosure

10-2-85  
WNW

CONF024546

# ADULT APPLICATION

☐ PACK NO.  
☐ TROOP NO.  
☐ POST NO.  
☐ SHIP NO.

☐ COUNCIL/DISTRICT NO.  
☐ DISTRICT NO.

PLEASE PRINT ONE LETTER IN EACH SPACE—PRESS HARD, YOU ARE MAKING THREE COPIES  
NAME—PRINT FIRST NAME FIRST, LEAVE SPACES BETWEEN FIRST NAME, INITIAL, AND LAST NAME

M I T C H E L P B R E S S

STREET OR R.F.D. COLISE SCOUTS RES. NO.—USE YOUR OWN ADDRESS AT COLISE

BOYS' LIFE

☐ NEW LEADER  
☐ FORMER LEADER

ZIP CODE

STATE

CITY  
AIKEN

CIRCLE B or F

PHONE

DATE

PREVIOUS SCOUTING BACKGROUND

COUNCIL

ON FILE  
SIGNATURE—SEE COVER

OCCUPATION, EMPLOYER, AND BUSINESS ADDRESS

UNIT EXPIRATION DATE  
MONTH YEAR

REGISTRATION FEE

BOYS' LIFE FEE

TERM (MONTHS)

0335

P. J. G. Smith



IF ADDITIONAL FEES OR DONATIONS ARE REQUIRED, THEY WILL BE INDICATED ON THE APPLICATION. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE COUNCIL OR DISTRICT OFFICE.

FOR COUNCIL USE



A program for Scouts, Boy Scouts, and Explorers

Georgia Carolina Council No. 93  
BOY SCOUTS OF AMERICA



August 8, 1985

B/V  
9-12

Mr. Paul I Ernst  
Registration Service, BSA



Irving, Texas 75038-3096

PERSONAL & CONFIDENTIAL

Dear Paul:

Please take necessary steps on enclosed. The person in question is not currently registered, but was registered thru March of 1985. He is a Silver Beaver recipient ????

We will keep you informed as events develop.

Sincerely yours,

*Chubby T. Earnest*  
Chubby T. Earnest  
Scout Executive

CTE:rr

Enclosures

F. STARON

AUG 14 1985



A UNITED WAY MEMBER AGENCY

CONF024548